United Nations A/HRC/39/11/Add.1

General Assembly

Distr.: General
18 September 2018

Original: English and French

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Canada

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.18-15363(E)
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Canada's response to the recommendations from the third cycle of the Universal Periodic Review

1. The following sets out Canada's response to the 275 recommendations received during Canada's third Universal Periodic Review (UPR) on May 11, 2018.

2. Federal, provincial and territorial (FPT) governments reviewed the recommendations and collaborated in preparing this response.

3. Civil society organizations, National Indigenous Organizations, and other Indigenous groups were invited to provide their views on the recommendations, both in writing and at engagement sessions held across Canada with FPT governments.

4. Canada reports that it accepts 208 recommendations, either in full or in part. Recommendations that Canada accepts are those that FPT governments support and will undertake to implement through appropriate measures. Recommendations that are noted are those that call for specific actions that are not presently under consideration.

International human rights instruments

5. Canada accepts recommendation 1 as well as:

- 8, 10, 11, 21 and 22: FPT governments are considering whether Canada should become a party to the OP-CAT and the OP-CRPD.
- 32: Legislation introduced in Parliament will, when passed, enable Canada to accede to the Arms Trade Treaty.

6. Canada notes the following recommendations:

- 2, 3, 4, 5, 6, 9, 24, 26, 27, 28, 29, 30 and 31: Canada is a party to seven of the core international human rights treaties. Those referred to in these recommendations are not currently under consideration.
- 25: The Government of Canada will be working with its PT partners to discuss ILO Convention 189 and the possibility of its ratification.
- 7: FPT governments are in the process of analysing the Convention on Enforced Disappearance and potential domestic considerations.
- 12, 13, 14, 15, 16, 17, 18, 19, 20 and 23: FPT governments are currently considering the potential accession to the OP-CAT and OP-CRPD, but a decision on Canada's accession has not yet been determined.

Follow-up to recommendations and effective implementation of international obligations

7. Canada accepts recommendations:

- 34 and 211.
- 35, 36 and 37: FPT governments consider the recommendations that Canada receives from international human rights bodies. As noted in Canada's voluntary commitments, governments are developing a protocol for follow-up to recommendations from international human rights bodies and a strategy for engagement with civil society and Indigenous representatives.

8. Canada notes recommendations 33 and 228. Canada cannot commit to the full implementation of all recommendations from the Committee on the Elimination of Racial Discrimination as it may choose to take other approaches to meet its obligations under the Convention. Governments will determine the appropriate measures to be undertaken to meet Canada's obligations taking into consideration their respective needs and priorities.

Indigenous peoples

9. Canada accepts recommendations:

- 41, 46, 74, 76, 77, 106, 230, 233, 234, 235, 237, 238, 252 and 258 in light of ongoing activities that align with Canada's commitment to fully implement the *United Nations Declaration on the Rights of Indigenous Peoples*. Canada will continue working to achieve reconciliation based on the recognition and implementation of Indigenous rights.
- 140, 141, 143, 144, 145, 146, 147, 148, 173, 174, 231, 232, 236, 240, 242, 243, 244, 246, 247 and 248: Canada is undertaking numerous initiatives that address access to services for Indigenous Peoples. FPT governments will continue efforts to improve the delivery and quality of services for First Nations, Inuit and Métis.
- 142: In Canada, there are legal obligations to respond to reports of suspected child abuse and neglect. There may be times where it is essential that children are removed from their caregivers for their own health, safety and well-being. While every effort is made to prevent their removal, some exceptional cases occur.
- 249 and 250 based on activities undertaken by governments to implement the Truth and Reconciliation Commission Calls to Action.
- 251, 254, 255, and 257: The Government of Canada accepts these recommendations and is working, in partnership with Indigenous peoples, to build mechanisms to operationalize free, prior, and informed consent through collaborative consent-based decision-making.

10. Canada accepts recommendation 80 and notes recommendations 78 and 79. The Government of Canada is working closely with First Nations, Inuit and Métis partners to support the exercise of their inherent right to self-determination.

11. Canada notes recommendations:

- 245: As mentioned above, there are various initiatives underway under Canada's federal structure that address important Indigenous issues.
- 253: The Government of Canada does not play a role in the provision of public documentation on contracts signed between Indigenous Peoples/groups and private sector entities.
- 256: The environment and sustainable development are pillars of Canadian policy at all levels of government.

Education and employment

12. Canada accepts recommendations:

- 82, 171, 172 and 175 based on the ongoing efforts undertaken by governments to improve educational outcomes.
- 130, 131, 132, 133, 134, 135 and 137: Governments continue to undertake initiatives that help ensure non-discrimination and achieve equity in employment, and continue to look for ways to reinforce existing measures in this regard.

Poverty, homelessness, and food security

13. Canada accepts recommendations:

- 149: Avenues of legal recourse for alleged violations of economic, social and cultural rights are available in Canada, for example, equality rights claims under the Canadian *Charter of Rights and Freedoms*; judicial review of administrative decisions; discrimination complaints to human rights commissions and tribunals; complaints before other statutory bodies; and civil or tort actions in court.

- 138, 150, 153, 154, 155, 156, 157, 158, 159, 160, 165 and 166 based on existing and upcoming measures to reduce poverty, improve individual and family income, and address housing needs.
- 161: While governments cannot guarantee a high standard of living, they continue to take steps to enable all people in Canada to achieve a good quality of life.
- 163: Canada recognizes that certain populations and vulnerable people face significant housing challenges. With the launch of the National Housing Strategy, Canada is taking significant additional measures to address the housing needs of Canadians.
- 167: As stated at Canada's review, the Government of Canada is committed to end, by March 2021, all long-term drinking water advisories affecting public systems on reserve.

14. Canada accepts in part recommendation 162 and notes recommendation 164. The Government of Canada undertook consultations in spring 2018 on initiatives to further advance a human rights-based approach to housing, including new legislation. Canada is not in a position to make commitments regarding the legislation as it has not yet been introduced.

15. Canada notes recommendation 151.

Women and girls

16. Canada accepts recommendations 107, 125, 126, 127, 128, 129, 169, 176, 177 and 178.

Violence against women and children

17. Canada accepts recommendations:

- 75, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 190, 198, 199, 200, 201, 202, 203, 204, 206, 207, 208 and 212.
- 205: Canada recognizes that different perspectives have been raised in the Indigenous community as to whether or not information on Indigeneity or ethnic background of victims of violence should be collected. Governments aim to ensure that their response is appropriate and in alignment with a trauma-informed approach to working with victims.

18. Canada accepts in part recommendation 189. FPT governments have a robust approach to addressing gender-based violence. Canada looks forward to receiving the Special Rapporteur's final report, whereupon FPT governments will consider the full scope of the Special Rapporteur's recommendations.

19. Canada notes the following recommendations:

- 191, 192, 193, 194, 195, 196 and 197: Addressing gender-based violence is a shared responsibility between FPT governments, who work together to find complementarity between their respective strategies. With numerous measures in place that seek to address gender-based violence, Canada is not presently developing a national action plan.
- 209: In June 2018, the Government of Canada announced that the Commission will be granted a six month extension and the Inquiry will have until April 30, 2019 to submit its final report. Commissioners can choose to extend the time, up to December 2018, to hear from additional families and survivors, further examine institutional practices and policies, and undertake the research necessary to inform their recommendations.
- 210: The National Inquiry operates at an independent arms-length from the Government of Canada. Consequently, it would not be appropriate for the federal

government to appoint an independent interlocutor to report on the status of the Inquiry.

- 112: FPT governments continue to work on identifying innovations and best practices that support the efficient delivery of legal aid services that will lead to improved access to justice.

Children and youth

20. Canada accepts recommendations 38, 120, 139 and 215.

21. Canada notes recommendations 213 and 214. Abusive conduct against children is prohibited under Canada's *Criminal Code*, and any conduct that places a child in need of protection is also subject to intervention under PT child protection laws.

22. Canada accepts in part recommendation 216. Supporting families and ensuring every child gets the best possible start in life is a priority. Canada continues its efforts to implement recommendations from its second UPR, but notes the recommendation for a Federal Children's Ombudsman or Commission.

Persons with disabilities

23. Canada accepts recommendations 170, 217, 218, 219, 220, 221, 222, 223, 224, 225 and 226. Canada is advancing the social and economic inclusion of persons with disabilities and will continue promoting the coherence and complementarity of its legislation and policies.

Immigrants, refugees, asylum-seekers, and migrant workers

24. Canada accepts recommendations 81, 136, 259, 260, 261, 262, 263, 264, 268, 269, 270 and 271.

25. Canada notes recommendations:

- 265: Provincial and territorial governments have primary responsibility for the provision of health care and social services; as such Canada cannot commit to revising national legislation on these issues.
- 266 and 267: Canada's robust statutory scheme ensures regular, meaningful detention reviews by an independent decision-maker, coupled with the availability of judicial review of detention decisions and the constitutional safeguards contained in the *Canadian Charter of Rights and Freedoms*.
- 272: Canada's Pre-Removal Risk Assessment process assesses an individual's risk of return to persecution under the Refugee Convention, or torture or cruel and unusual treatment under the Convention against Torture.
- 273 and 274: A minor may be detained or housed only in extremely limited circumstances after appropriate alternatives to detention are considered and determined to be unsuitable or unavailable.
- 275: While Canada is not presently in a position to establish a statelessness determination procedure, protections for stateless persons do exist in Canada. Any stateless person in Canada requiring refugee protection can access protection through the asylum system. Canada's *Citizenship Act* includes provisions which enable Canadian citizenship to be granted to stateless persons.

Racism and non-discrimination

26. Canada accepts recommendations 39, 40, 42, 44, 45, 47, 48, 49, 50, 51, 54, 56, 57, 58, 59, 60, 61, 64, 67, 68, 69, 70, 71, 73, 121, 152, 168, 229, 227, 239 and 241. Canada is

addressing racial and religious discrimination and crimes motivated by hate, and recognizes the challenges that remain in these areas.

27. Canada notes the following two recommendations:

- 53: While a national action plan to combat racial discrimination is not presently in development, significant investments have been announced to support community engagement on a new national anti-racism approach.
- 55: Anti-discrimination legislation in Canada prohibits racial discrimination and applies to private businesses, in regard to employment matters, the provision of goods, services and facilities customarily available to the public, and accommodation.

Older persons

28. Canada accepts recommendation 84.

LGBTQ2

29. Canada accepts recommendation 83.

Public safety and law enforcement

30. Canada accepts recommendations 43, 52, 62, 63, 65, 66, 72, 102, 103, 104, 108, 109, 110, 111, 113, 114, 115, 116, 117, 119, 122, 123 and 124. Canada's criminal law has no crime of glorification of terrorism, but has a robust framework to address incitement to violence and to commit terrorism offences.

31. Canada notes recommendation 105. Governments in Canada are working to ensure that correctional institutions provide a safe and secure environment and continue to review the use of administrative segregation.

Business and human rights

32. Canada accepts recommendations 91, 92, 93, 94, 95 and 97.

33. Canada notes the following recommendations:

- 88, 89, 90 and 101: Canada promotes responsible conduct on the part of Canadian companies operating within Canada and abroad. Assessments are conducted by FPT governments for projects under their respective jurisdiction to ensure that environmental considerations are taken into account in the planning and decision making process for projects having potential significant impact on the environment. Canada also has two dispute resolution mechanisms that address allegations of human rights abuses arising from operations of Canadian companies abroad.
- 96: The Office for the Corporate Social Responsibility Counsellor for the Extractive Sector reached the end of its mandate on May 18, 2018.
- 98, 99 and 100: While a national action plan on business and human rights is not presently in development, Canada is considering appropriate measures to strengthen its approach to responsible business conduct.

Other recommendations

34. Canada accepts recommendation 87.

35. Canada notes recommendations 85 and 86. Canada has increased and is working to leverage its investments in international assistance. The quality and effectiveness of

Canada's assistance and contributions to policy innovation are also important in ensuring better results for the poorest and most vulnerable.

36. Canada notes recommendation 118.